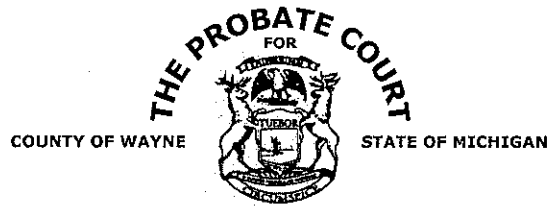


MARTIN T. MAHER
FREDDIE G. BURTON, JR.
MILTON L. MACK, JR.
JUNE E. BLACKWELL-HATCHER
CATHIE B. MAHER
JUDY A. HARTSFIELD
FRANK S. SZYMANSKI
TERRANCE A. KEITH
JUDGES OF PROBATE



MILTON L. MACK, JR.
CHIEF JUDGE OF PROBATE

FREDDIE G. BURTON, JR.
CHIEF JUDGE PRO TEMPORE

APRIL K. MAYCOCK
PROBATE REGISTER

JEANNE S. TAKENAGA
PROBATE REGISTER EMERITUS
Served 1990-2011

March 29, 2012

Corbin R. Davis
Michigan Supreme Court Clerk
P.O. Box 30052
Lansing, Mich. 49909

Re: ADM File No. 2006-47
Proposed Court Rule Changes –
Records\Filings\Access\Copies

Dear Mr. Davis:

Please accept the following comments regarding the proposed court rule changes for maintaining, filing, access, and copies of court records.

I applaud the efforts of the Supreme Court to update the court rules to make the processing of court records less paper intensive. The proposed changes will help empower courts to use technology to leverage their ability to improve service to the public and optimize utilization of scarce judicial resources.

- The proposed change in MCR 8.119(D)(1)(4)(d) is particularly useful. This amendment permits courts to maintain paper and/or electronic files. Even prior to the modification of MCL 600.2137, this change would allow certain documents to be stored in electronic format only – specifically, when a paper version was never produced during the creation of an electronic document. For example, the Wayne County Probate Court uses an Order of Discharge – Ward Deceased in its adult guardianship files. Under this provision, no paper version would have to be created, although a copy could be generated upon request. This electronic document would meet the definition of proposed MCR 1.109(B) (readable by sight and can be printed to paper). The contemplated amendment would save significant staff time, supplies (paper, toner, printer resources), and file space, even though under current MCL 600.2137 a microfilm image would have to be created for long-term retention after 10 years.
- The proposed amendment to MCR 8.108(C) would be highly beneficial. This change would clarify that all records, regardless of format, created or kept by a court reporter or recorder belong to the court and must be kept in court's possession. If records are required for transcription off-site, the court is to provide only a copy, which must be returned upon filing the transcript.

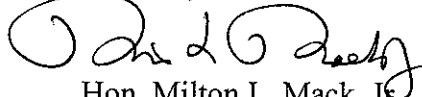
I would also suggest that the Supreme Court consider seeking legislative changes that would further enhance the use of technology.

March 29, 2012
Corbin R. Davis
Michigan Supreme Court Clerk
ADM 2006-47
Page 2

- MCL 600.2137, the court records retention statute, should be amended to permit the immediate destruction of paper records if they are reproduced and maintained as digital images, subject to the records being able to be generated upon request by one of the means authorized under the Records Reproduction Act, MCL 24.401 et seq. This would allow courts to save storage space and staff time currently required to physically sort, distribute, deliver and file documents in case folders. Upon request, paper versions could be created.
- Statutory authority should also be sought to allow courts to charge a fee to access case records off-site via a document management, imaging, or other electronic records management system. However, the ability to do so should not be limited to courts that maintain their records exclusively in an electronic format, as contemplated in proposed MCR 8.119(J). This amendment would permit a court or contracted entity to charge a fee pursuant to Supreme Court order. MCR 8.119(J)(2)(b). It is my understanding that the Supreme Court is in the process of seeking legislation to give it the authority to determine these access fees. Allowing fees for off-site access will further facilitate the use of technology to obtain case records by eliminating the need for individuals to appear in person to obtain this information. It would also permit courts to continue to receive fees for the reproduction of records.

If you have any further questions regarding this matter please feel free to contact me at (313) 224-5685 or mmack@wcpc.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Milton L. Mack, Jr.", written in a cursive style.

Hon. Milton L. Mack, Jr.
Chief Judge